

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MIDLAND FUNDING LLC

Plaintiff/Counterclaim Defendant,
vs.

ANDREA L. BRENT

Defendant/Counterclaim Plaintiff
vs.

**MIDLAND CREDIT MANAGEMENT,
INC.**

Counterclaim Defendant

Case No. 3:08-CV-1434

Judge David A. Katz

MOTION FOR CONSIDERATION OF CLASS ACTION PROCEEDINGS

The parties have unsuccessfully attempted to mediate. Mediation has been terminated with no resolution, despite four separate attempts over a one year period. Andrea Brent moves this Court to consider the class certification motions that are decisional.

Brent has filed a Motion for Class Certification (Dkt. #76, 3/24/10). Midland filed its response (Dkt. #84, 4/26/10) and Brent has filed her reply (Dkt. #87, 5/10/10). This motion is now fully briefed.

Also pending is a Motion for Leave to File Sur-Reply in Opposition to Midland's Motion for Summary Judgment for Brent's Actual Damages (Dkt. #97), filed by Brent on July 29, 2010. That motion, without dispute from Midland, would not prevent class action determination.

In accordance to the Court's recommendation during Monday's conference call,
Brent asks that this Court now consider these pending motions.

Respectfully submitted,

/s/Dennis E. Murray, Sr.

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CERTIFICATION

This is to certify that a copy of the foregoing **Motion for Consideration** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic system. Parties may access the filing through the Court's system on this ____ day of September, 2010.

/s/Dennis E. Murray, Sr.

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